

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:)	Docket No. HWCA 01/02-1005
)	
Kearney-National, Inc.)	Consent Order
1624 East Alpine Avenue)	
Stockton, California 95208)	Health and Safety Code
)	Section 25187
EPA ID No. CAD 981429715)	
)	
Kearney-National, Inc.)	
Respondent.)	
_____)	

The State Department of Toxic Substances Control
(Department) and Kearney-National, Incorporated (Respondent)
enter into this Consent Order (Order) and agree as follows:

1. A dispute exists regarding the following
violations:

1.1 Respondent violated California Code of
Regulations, title 22, Sections 66264.15(c) and 66264.97(b)(4) in
that as of January 19, 2001, Respondent had failed to repair four
wells identified as damaged on October 26, 1999 and one well
identified as damaged on January 24, 2000.

1.2 Respondent violated California Code of
Regulations, title 22, section 66264.97(e)(13) in that turbidity
measurements were not obtained within the time frame of the
existing post-closure permit, and consistent pH and specific
conductance measurements were not obtained on May 8, 9 and 10,
2000; July 31, 2000; August 1, 2000; and October 26 and 27, 2000.

1.3 Respondent violated Health and Safety Code section
25202(a) because Respondent failed to comply with the conditions
of the post-closure permit. Specifically, Respondent violated

the Regional Water Quality Control Board Waste Discharge Monitoring and Reporting Program Requirements 91-220 in that laboratory measurements of pH and electrical conductance were not obtained on at least one occasion during the year 2000.

1.4 Respondent violated California Code of Regulations, title 22, section 66264.97(e)(4) in that between January 31, 1998 and April 24, 2001, Respondent failed to follow the DTSC-approved Sampling and Analysis Plan on 12 occasions.

2. The parties wish to avoid the expense of further litigation and to ensure prompt action to achieve full compliance with the State hazardous waste management requirements.

3. Jurisdiction exists pursuant to Health and Safety Code section 25187.

4. Respondent waives any right to a hearing in this matter.

5. This Order shall constitute full settlement of all violations alleged above, but does not limit the Department from taking appropriate enforcement action concerning other violations.

6. SCHEDULE FOR COMPLIANCE: Respondent has corrected all the violations as stated in Section 1 above.

7. PAYMENT: Within 30 days of the effective date of this Order, Respondent shall pay the Department \$35,000.00, \$28,200.00 of which is a penalty and \$6,800.00 is for reimbursement of the Department's enforcement cost. The entire payment of \$35,000.00, together with a copy of this Order, shall be sent to:

Accounting Office
Department of Toxic Substances Control

P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Paul Kewin, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

If Respondent fails to make the payment of \$35,000.00 as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

8. The effective date of this Order is the date it is signed by the Department.

Dated: April 17, 2002

{Original signed by Robert D. Farley}
Signature of Respondent's
Representative

{Original signed by Robert D. Farley}
Typed or Printed Name and Title of
Respondent's Representative

Dated: April 22, 2002

{Original signed by Paul Kewin}
Paul Kewin, Unit Chief
Statewide Compliance Division
Department of Toxic Substances
Control